

REMARKS

Claims 1, 4-12, 14-16, 19-25 and 27-29 were previously pending in the application. New dependent claims 30-35 have been added in the amendment presented above.

Claims 1, 4-12, 14-16, 19-25 and 27-29 stand rejected under 35 USC 112, second paragraph as being indefinite. Applicant has amended the independent claims to address the issues identified by the Examiner. More specifically, the Applicant has amended independent claims 1, 6 and 29 to recite that the adjacent, parallel rows of loop pile tufts of the drainage layer have a **substantially uniform height** to support the second flexible backing sheet in a **substantially planar configuration** offset above said first flexible backing sheet. The substantially uniform height of the loop pile tufts is shown in FIG. 1 where there are minor variations in the height over the loop pile tufts 24. The substantially planar configuration of the second flexible backing sheet is inherent from the 0.5% curvature of the design of the exemplary tennis surface 10 as described in lines 11-12 of page 5 of the specification and the inherent flexibility of the second backing sheet as described in lines 2-5 of page 3 of the specification. The fact that the claim language employs the term of degree "substantially" in modifying the "uniform height" of the loop pile tufts and the "planar configuration" of the second flexible backing sheet does not render the claim indefinite under 35 U.S.C. 112, second paragraph as one of ordinary skill in the art would understand what is claimed in light of the specification.

Seattle Box Co., v. Industrial Crating & Packing, Inc., 731 F.2d 818, 221 USPQ 568

(Fed. Cir. 1984). Thus, the amendments to the independent claims have addressed the indefinite rejections presented by the Examiner.

Claims 1, 4-8, 10-12, 14-16, 19-21, 23-25 and 27-29 stand rejected under 35 USC 103(a) as being obvious over Prevost (US Patent No. 6,723,412) in view of Ishikawa (US Patent No. 5,601,886). Claims 1, 4-8, 10-12, 14-16, 19-21, 23-25 and 27-29 stand rejected under 35 USC 103(a) as being obvious over Squires (US Patent Publ. No. 2002/0132099) in view of Ishikawa. Claims 1, 4-8, 10-12, 14-16, 19-21, 23-25 and 27-29 stand rejected under 35 USC 103(a) as being obvious over Burk (US Patent No. 6,472,041) in view of Prevost and Ishikawa. Claims 9 and 22 stand rejected under 35 USC 103(a) as being obvious over Squires in view of Ishikawa and Squires II (US Patent No. 6,299,959). Claims 9 and 22 stand rejected under 35 USC 103(a) as being obvious over Prevost in view of Ishikawa and Squires II. Claims 9 and 22 stand rejected under 35 USC 103(a) as being obvious over Burk, Prevost, Ishikawa and Squires II. Applicant has amended the claims to more particularly define the present invention over the cited prior art.

More specifically, amended claim 1 requires that "said adjacent, parallel rows of loop pile tufts of said drainage layer have a substantially uniform height to support the second flexible backing sheet in a substantially planar configuration offset above said first flexible backing sheet." None of the cited prior art documents teach this feature.

The Prevost reference describes the use of non-looping ribbons 7 supported by a backing member 3. See col. 7 line 51 to col. 8 line 31. The ribbons 7 are sealed with a ‘coating material “M”’ in ‘strips 45’ as illustrated in figure 7 item 45. Importantly, the ribbons 7 of Prevost are not “loop pile” tufts as recited in amended claim 1. Moreover, Prevost fails to teach or suggest a parallel row arrangement of loop pile tufts that “have a substantially uniform height to support the second flexible backing sheet in a substantially planar configuration offset above said first flexible backing sheet” as required by amended claim 1.

In Squires, an ordered arrangement of adjacent, parallel rows of loop pile is not disclosed or even suggested for a drainage layer. Squires simply describes some ‘protrusions’, [0030] which may be construed as corrugations by figure 1, or a disordered array of ‘bedsprings’ as per [0033] and figure 2.

In addition, neither Prevost nor Squires teach or suggest an underlying drainage layer which provides support and lateral stability to a synthetic turf layer disposed thereabove. Prevost only mentions a “more resilient surface” (see col. 6 line 67), whilst Squires only describes a “softer feeling” (see paragraph [0033] line 13), which in both descriptions are associated with resilience of the turf perpendicular to the surface, not with regards to any lateral stability. Lateral stability and perpendicular resilience or softness are both important parameters for the use of a synthetic turf surface; however Squires and Prevost do not identify or discuss lateral stability at all.

Ishikawa describes the use of an alternate row of assist filaments 4 to provide support (for example, col. 3 lines 40 to 43) to the artificial grass filaments 4 as well as for reducing the compaction of the sand layer, for example col. 5 line 24 to page 6 line 4. Importantly, Ishikawa fails to teach or suggest the use of a parallel row arrangement of loop pile tufts that "have a substantially uniform height to support the second flexible backing sheet in a substantially planar configuration offset above said first flexible backing sheet" as required by amended claim 1. Instead, Ishikawa employs two types of assist filaments 4, 6 that are arranged in an alternating manner where one type 4 is lower in height than the other type 6. Moreover, Ishikawa does not provide any suggestion of a parallel row arrangement of loop pile tufts that support to a water-permeable synthetic turf layer that includes a flexible backing sheet disposed thereabove as required by amended claim 1.

The other cited prior art references to Burke, Squires II or Wood Jr. do not remedy the shortcomings of Prevost, Squires and Ishikawa.

Thus, the cited prior art fails to teach or suggest important features of amended claim 1, including a parallel row arrangement of loop pile tufts that support to a water-permeable synthetic turf layer that includes a flexible backing sheet disposed thereabove. This arrangement of loop pile tufts provides for both drainage as well as support and lateral stability of a synthetic turf layer disposed above the loop pile tufts, which is not contemplated by the cited prior art. Accordingly, amended claim 1 is clearly patentable over the cited prior art. Similar arguments apply to independent claims 16 and 29.

Dependent claims 4-12, 14-15, 19-25, 27-28, and 30-35 and are patentable over the cited prior art for those reasons advanced above with respect to independent claims 1 and 16 from which they respectively depend and for reciting additional features that are not taught or suggested by the cited prior art.

For example, claims 10 and 23 recite that “the first flexible backing sheet is less water-permeable than the second flexible backing sheet.” Nowhere does the cited prior art teach or suggest these features.

In another example, claims 11 and 24 recite that “the first flexible backing sheet has a water permeability of less than 10%” and claims 12 and 25 recite that “the first flexible backing sheet has a water permeability of about 3-5%.” Nowhere does the cited prior art teach or suggest these features.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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